

ZONING CHANGE REVIEW SHEET**CASE:** C14-2015-0132 (Calvins Liquor)**P.C. DATE:** November 10, 2015**ADDRESS:** 8820 Burnet Road, Ste. 505**OWNER/APPLICANT:** MWM Fund VII, Ltd. f/o Durhman & Bassett Realty Group, Inc.
(Jay Kaplan)**AGENT:** Lenworth Consulting, LLC (Nash Gonzales, Jr.)**ZONING FROM:** CS**TO:** CS-1**AREA:** 0.0361 acres
(1,572.516 sq. ft.)**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-1-CO (Commercial Liquor Sales-Conditional Overlay) zoning district. The conditional overlay will prohibit the Cocktail Lounge use on the property.

PLANNING COMMISSION RECOMMENDATION:**DEPARTMENT COMMENTS:**

The property in question is a vacant suite within an existing retail shopping center. The applicant is requesting to rezone the property to CS-1 to redevelop the suite with a liquor store. The staff supports the rezoning request because the site meets the intent of the CS-1 district as it is located in an existing shopping center at the southwest intersection of two major roadways, Burnet Road and U.S. Highway 183. The site under consideration is surrounded by CS zoning and commercial, restaurant and retail uses and is consistent with the current development in the area.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Crossroads Retail Center (Vacant Suite)
<i>North</i>	CS	Crossroads Retail Center (Fast Signs, Vivid Nails and Spa, Pars Deli, Austin Guitar School, etc.)
<i>South</i>	CS	Crossroads Retail Center (Apartment Specialists, Painting with a Twist)
<i>East</i>	CS	Crossroads Retail Center (Trudy's Restaurant)
<i>West</i>	CS, SF-2	Crossroads Retail Center, Single-Family Residences

AREA STUDY: Burnet Road, Anderson Lane and the North Shoal Creek Neighborhood Planning Area, Future Burnet-Anderson Corridor Plan

TIA: Not Required**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: N/AHILL COUNTRY ROADWAY: N/A**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Friends of Austin Neighborhoods
 Friends of the Emma Barrientos MACC
 Friends of North Shoal Creek
 North Austin Neighborhood Alliance
 North Shoal Creek Neighborhood Association
 NW Austin Neighbors
 SELTEXAS
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 Sustainable Neighborhoods
 Wooten Neighborhood Association
 Wooten Neighborhood Plan Contact Team

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0095			
C14-03-0002 (9325 Burnet Road)	LI to CS	3/26/03: Recommended for approval by consent, with the addition of the following restrictions added to staff's proposed conditional overlay for this case: 1) Use of the property as an adult bookstore shall be restricted to not more than 7,500 square feet of gross floor area and 2) Use of the property as an adult arcade, adult cabaret, adult lounge, adult novelty shop, adult service business and adult theater is prohibited. Vote: 7-0 (Off Dais: Pratt, Absent: Spelman.); M. Armstrong-1 st , M. Casias-2 nd .	6/05/03: Granted CS-CO on all 3 readings (7-0)
C14-01-0037 (North Austin Civic Association Neighborhood Plan)	MF-2, SF-2, SF-3 to NO-NP MF-2, LO, MF-3, CS to GR-NP CS, SF-3 to P-NP	4/17/01: Approved Staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0); with 25 foot vegetative buffer on south boundary of Tract 19	5/24/01: Approved PC rec. on all three readings, except for Tract 9-1 st reading only (6-0) 8/9/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Burnet Road	145 feet – 200 feet	~55 feet	Arterial	Yes	Yes, Protected Bike Lane	Yes

CITY COUNCIL DATE: December 10, 2015

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov

MF-3

SF-2

SF-2

CS

BURNET RD

CS-NR

MF-3

MF-3

ZONING

ZONING CASE#: C14-2015-0132



SUBJECT TRACT



PENDING CASE



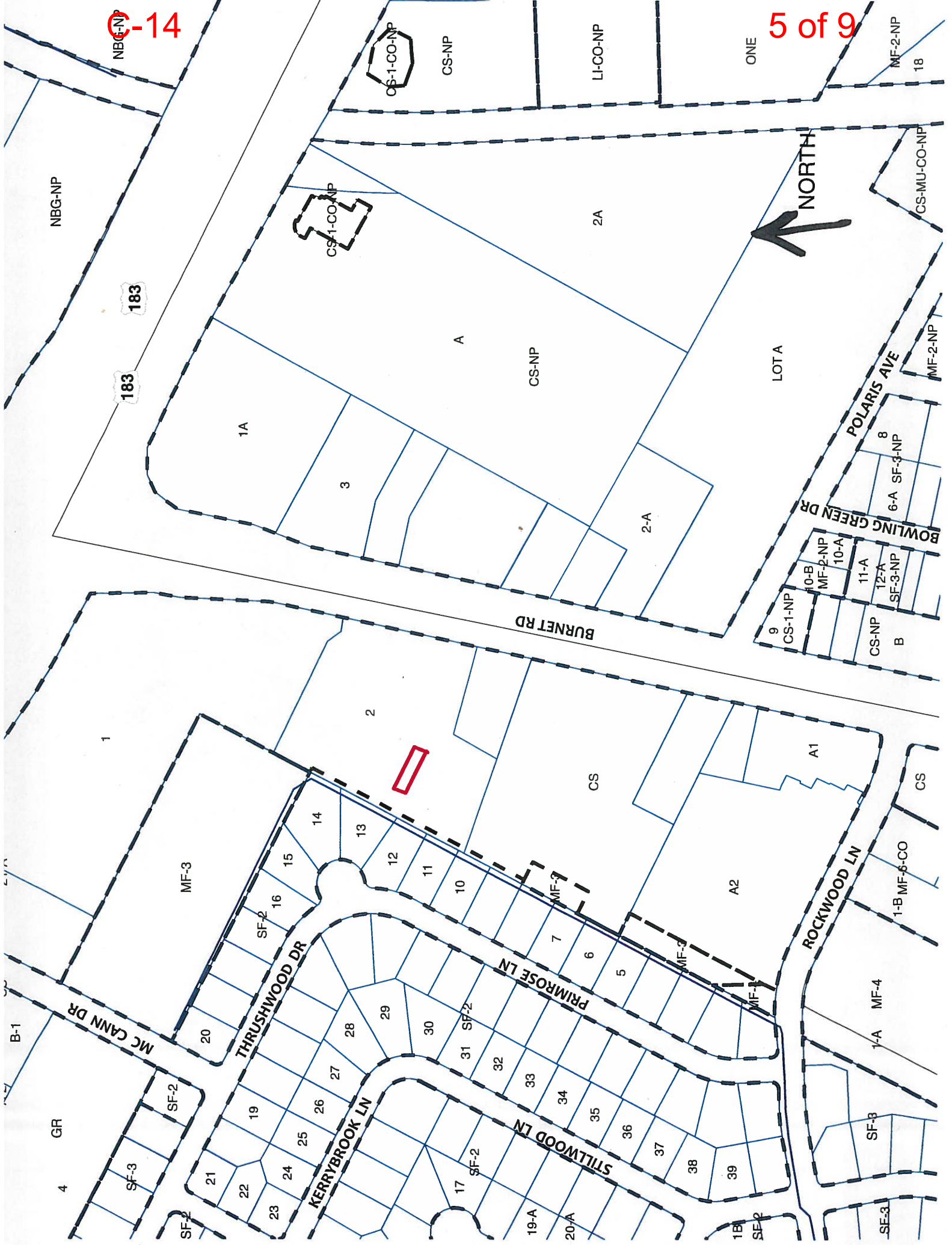
ZONING BOUNDARY

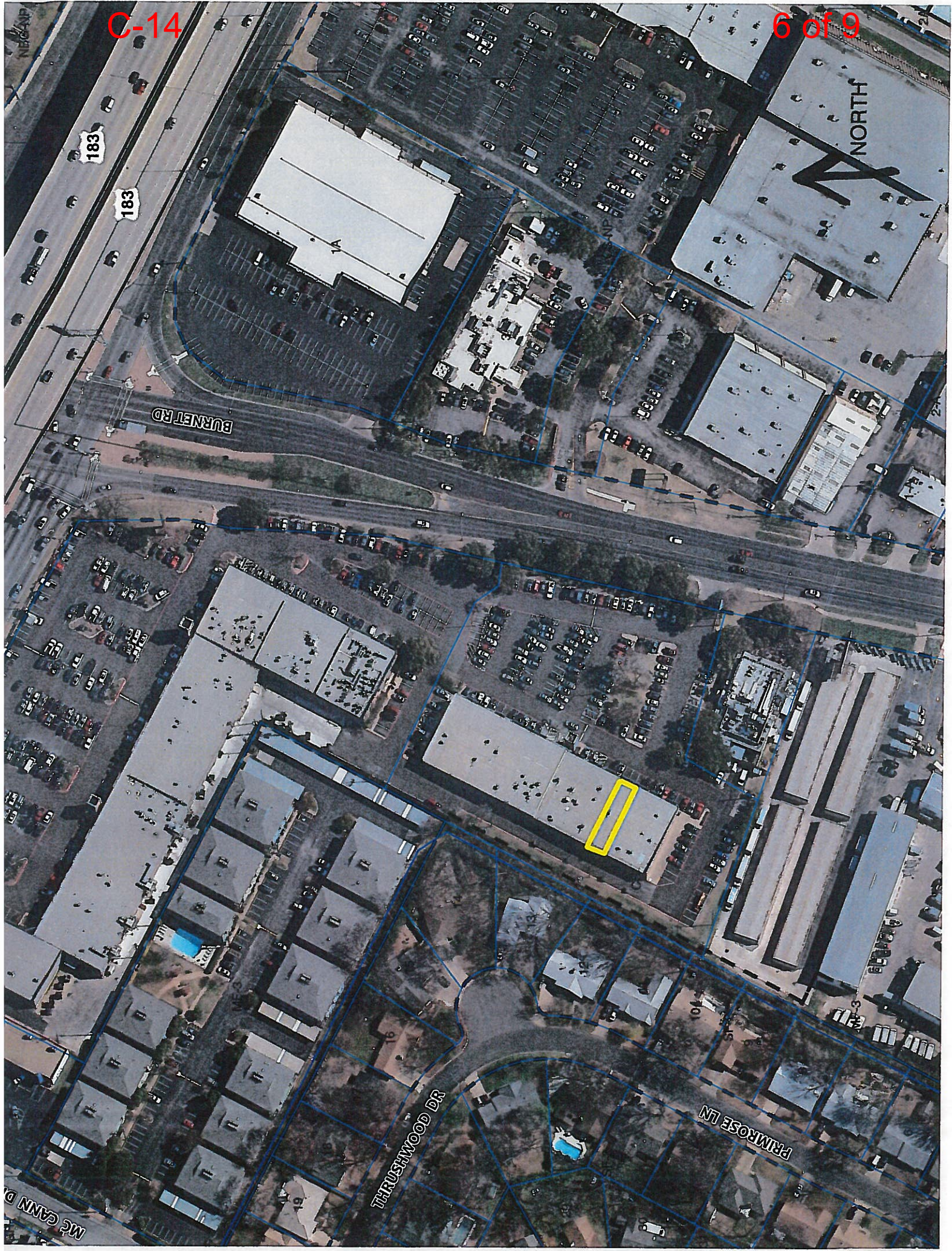
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1"=100'





STAFF RECOMMENDATION

The staff's recommendation is to grant CS-1-CO (Commercial Liquor Sales-Conditional Overlay) zoning district. The conditional overlay will prohibit the Cocktail Lounge use on the property.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

2. *The proposed zoning should promote consistency and orderly planning.*

The CS-1-CO zoning district would be compatible and consistent with the surrounding uses because there is CS zoning and existing commercial uses surrounding the proposed site to the north, south, east, west.

3. *The proposed zoning should allow for a reasonable use of the property.*

The CS-1-CO zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this location because of the commercial character of the area.

4. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

This property in question is located in an existing shopping center at the southwest intersection of two major roadways, Burnet Road and U.S. Highway 183.

EXISTING CONDITIONS

Site Characteristics

The subject tract is currently a vacant suite within an existing retail center (Crossroads) located at the southwest intersection of Burnet Road and U.S. Highway 183.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Comprehensive Planning

CS to CS-1

This zoning case is located on the west side of Burnet Road, within an existing shopping center. The subject property is located within the boundaries of the North Shoal Creek Neighborhood Planning Area, which does not have an adopted neighborhood plan. Surrounding land uses includes other commercial uses in a small shopping center to the north and south of this property, a boot/western wear store to the east, and single family houses to the west. The proposed use is a wine/liquor store.

Imagine Austin and Conclusions

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this portion of Burnet Road as an **Activity Corridor**. Activity corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

Although this proposed use is located along an Activity Corridor, based on the small scale of this site relative to other commercial land uses along this heavily traveled commercial corridor, this project falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

No trees are located within the proposed rezoning area. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the CS zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Zoning district impervious cover limits apply in the Urban Watershed classification.

Site Plan

There are no applicable Site Plan comments at this time.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Additional right-of-way maybe required at the time of subdivision and/or site plan.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Burnet Road. Additionally, this project is adjacent to a street where the curb is proposed to be moved five feet to achieve superior bicycle facilities. This can be reviewed at the time of site plan review.

Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Burnet Road	145 feet – 200 feet	~55 feet	Arterial	Yes	Yes, Protected Bike Lane	Yes

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.